

COMMITTEE OF THE WHOLE
DECEMBER 9, 1967—10:25 A.M.
PRESIDENT H. VERNON ENEY,
PRESIDING

THE CHAIRMAN: The Committee of the Whole will please come to order.

The first item for consideration under General Orders of the Day is Committee Recommendation EB-2.

The Chair recognizes Delegate Morgan, the Chairman of the Committee on the Executive Branch and requests him to come forward to the reading desk.

While Delegate Morgan is doing that, I have been asked to call your attention to some activity that will be taking place on the State House lawn about 1:00 P.M. You may be curious or interested. They will be filming some scenes for a coming television show to be shown later over WMAR-TV. They are going to shoot some scenes in front of the State House for a January 14th program on Ratification Day. Members of the Colonial Players, the oldest and most renown acting troop in this area will be in colorful costumes to portray early Annapolitans and Maryland statesmen. There will be some shooting inside the State House. This will be about 1:00 P.M. today.

Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, last week the Committee of the Whole voted that there should be an attorney general provided for in the Constitution. I believe the Executive Branch Committee interpreted that vote as meaning that there should be an elected attorney general provided for in the Constitution and the report before him now contains a recommendation for an elected attorney general.

The Committee has provided that the attorney general have substantially the same duties as he has under the present Constitution. However, the attorney general is given broad additional functions and duties under the control of the General Assembly. There was a proposal before the Committee that the Committee also specifically provide that the governor could appoint legal counsel and that the General Assembly could appoint legal counsel. However, the Committee left that out because it was considered unnecessary. In the present Constitution, there is a prohibition against the governor appointing additional legal counsel without the approval of the General Assembly. However, since that is left out of

the proposed Constitution, it was thought that there was no reason why the governor could not appoint legal counsel and call him special counsel, general counsel, or whatever you wish, without any specific authority for it. That, I believe, Mr. Chairman, is the sum and substance of our report and if anybody has any questions, I will be glad to answer them. Are there any questions of the Committee Chairman?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman and Chairman Morgan, if the majority of the General Assembly were constituted of a party different from that of the governor, might not it be more helpful to the governor to provide in the Constitution that there shall be counsel to his office rather than to allow political differences to possibly cause the elimination of the statutory office?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Well, I imagine if the governor wanted counsel, he would provide for one in his budget and I cannot imagine a General Assembly striking out a counsel for the governor or staff for the governor. As a matter of fact, the General Assembly now is of a different party from the governor and it has been very cooperative in providing the governor with the staff assistants that he wants.

THE CHAIRMAN: Are there any further questions?

Delegate Boyles.

DELEGATE BOYLES: Delegate Morgan, I notice for governor the candidate must be a qualified voter of the State but for the attorney general, he must be a registered citizen. Is there any reason for this? Is this an inconsistency or does not he have to be a qualified voter?

That is on line 11. Are the words synonymous?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: To be a member of the bar of the State, I think, you have to be a citizen as a matter of fact and I think that is just a carry-over from the existing Constitution.

THE CHAIRMAN: Do you have a further question, Delegate Boyles?

Are there any further questions?

THE CHAIRMAN: Delegate Boyles.